

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Kelvin Lovett,

Plaintiff,

v.

Evans, *et al.*,

Defendants.

Case No. 2:24-cv-4081

District Judge James L. Graham

Chief Magistrate Judge Stephanie Bowman

Order

This matter is before the Court on the Magistrate Judge's May 27, 2025 Report and Recommendation. The Magistrate Judge conducted an initial screen of the pro se prisoner complaint under 28 U.S.C. § 1915(e)(2) and recommended that the claims be dismissed for failure to state a claim upon which relief may be granted.

Plaintiff was granted an extension of time to file objections. He timely did so on July 28, 2025. Plaintiff also moved for leave to amend the complaint. On July 17, 2025, the Magistrate Judge granted him leave to file an amended complaint within 30 days. Plaintiff did not file an amended complaint.

Plaintiff's objections reiterate his claim in the original complaint that he was given an unhygienic mattress at the Ross Correctional Institution. However, his objections do not address the Magistrate Judge's findings that the complaint fails to: contain non-conclusory allegations that the mattress conditions posed an objectively serious risk of harm to plaintiff; allege an injury to plaintiff; or identify any named defendant who was aware of the mattress condition and was deliberately indifferent to plaintiff's health and safety.

As for his claim concerning the alleged presence of mold in his cell, plaintiff states in his objections that he bumped into a moldy area and got an infection but was denied medical attention from a nurse. However, none of the named defendants are nurses and none of the named defendants are alleged to have caused care to be denied to plaintiff.

Upon *de novo* review, the Court agrees with the Report and Recommendation (Doc. 14) in its entirety and it is hereby adopted. Accordingly, plaintiff's objections (Doc. 21) are **OVERRULED**, and the Court **DISMISSES** plaintiff's complaint for failure to state a claim upon which relief may be

granted. Plaintiff's motion for clarification (Doc. 11) is denied as moot. The Clerk of Court shall enter judgment for defendants.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: August 28, 2025